

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CAMERON PIERCE and PATRICIA  
PIERCE, husband and wife; KAREN KIRBY,  
a single woman; GREGORY SHERMAN and  
PAULA SHERMAN, husband and wife,  
MICHAEL LEPAGE and GERTRUDE  
LEPAGE, husband and wife; on behalf of  
themselves and a class of similarly situated  
individuals,

Plaintiffs,

v.

NOVASTAR MORTGAGE, INC., a foreign  
corporation,

Defendant.

CASE NO. C05-5835RJB

ORDER DENYING  
DEFENDANT NOVASTAR  
MORTGAGE, INC.'S MOTION  
TO STRIKE RICK ST. ONGE AS  
A WITNESS

This matter comes before the Court on Defendant NovaStar Mortgage Inc.'s Motion to Strike Rick St. Onge as a Witness (Dkt. 158). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file herein.

**I. BACKGROUND AND DISCUSSION**

NovaStar Mortgage, Inc. moves to strike Rick St. Onge as a witness for the plaintiffs on the grounds that this witness' testimony constitutes opinion rather than fact and on the grounds

1 that this witness seeks to testify about the interpretation and application of statutes and  
2 regulations. Dkt. 158 at 1-2. While the defendant raises several valid points with regard to this  
3 witness' anticipated testimony, it is impossible for the Court to rule on this issue in advance.  
4 Rulings on matters raised in the motion are better suited for trial and depend upon the wording of  
5 the questions put to the witness and the witness' answers. The Court should therefore decline to  
6 strike this witness.


7 **II. ORDER**

8 Therefore, it is hereby

9 **ORDERED** that Defendant NovaStar Mortgage Inc.'s Motion to Strike Rick St. Onge as  
10 a Witness (Dkt. 158) is **DENIED**.

11 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel  
12 of record and to any party appearing pro se at said party's last known address.

13 DATED this 30<sup>th</sup> day of April, 2007.

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15 ROBERT J. BRYAN  
16 United States District Judge  
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